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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twentieth session

SUMMARY RECORD OF THE 12th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 3 May 1999, at 3 p.m.

Chairperson: Mrs. BONOAN-DANDAN

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 8) (continued)

Third periodic report of Denmark (E/1994/104/Add.15; E/C/12/Q/DEN/1; HR/CESCR/NONE/1999/3) (continued)

1. At the invitation of the Chairperson, the delegation of Denmark resumed their places at the Committee table.

2. The CHAIRPERSON said that there had been quite a number of outstanding questions from the morning session and invited the delegation to furnish replies.

3. Mr. LEHMANN (Denmark) said that although Denmark was not a party to the 1949 United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, that did not stem from a desire to legalize prostitution, which was viewed by the Government as a violation of women's dignity. However, the Government's attitude was that the women involved should not be penalized, but rather should be offered social assistance to become economically independent. To that end, a consultation centre had recently been established to assist prostitutes. At the same time, the Government was also targeting those responsible for sexual exploitation, in particular traffickers and clients, especially where women under 18 years of age were involved. The measures employed, therefore, depended upon the particular context. Although prostitution was not a major problem in Denmark, it was not overlooked and was, in fact, being actively considered in Parliament.

4. Mr. BRANDSTRUP (Denmark), addressing the question regarding restrictions on foreign employees in specific fields, said that non-European citizens could be admitted to Denmark as immigrants only if they were refugees or for family reunification purposes. Residence permits also conferred the right to work in any field in the private sector. However, Danish citizenship was obligatory in a few areas of employment. Relevant legislation was being reviewed by the different ministries to eliminate unnecessary restrictions. A statute on public servants had been amended the previous week to align conditions, rights and duties of employment and benefits, such as State pensions, of non-Danish employees with those of their Danish counterparts. The only difference between Danish and non-Danish employees was the possibility of being appointed under the royal warrant.

5. A recently established government commission had proposed the institution of a centre for the approval of professional qualifications acquired abroad, while another commission was studying the possible introduction of an ethnic policy in private sector employment.

6. In view of the high unemployment rate among first generation refugees and immigrants, the Government had switched from a passive integration scheme to a more active one requiring compulsory participation by foreigners. The

scheme covered the areas of housing, introduction programmes and introduction benefits. Virtually all local authorities were required to assist with providing suitable housing for refugees within three months of their receiving a residence permit. Introduction programmes, prepared jointly by local authorities and the foreigners themselves, were to be offered within three months for a maximum of three years. Foreigners who qualified for the full introduction programme were required to complete at least 30 hours per week. Both the content and quality of introduction programmes had improved thanks to changes in education policy.

7. It was untrue to say that the introduction programme was fixed at 80 per cent of normal assistance levels. Admittedly, newly-arrived foreigners were not considered to be on the same level as other assistance claimants. However, in relation to age and family situation, foreigners obtained benefits comparable to those accorded to Danish citizens or which they enjoyed under earlier rules.

8. The main objective of the active social policy, which targeted job seekers who had lost their jobs, was to assist persons to re-enter the job market. However, newly-arrived foreigners were given special pecuniary assistance to help them obtain employment. In keeping with the traditionally needs-based schemes, the needs of new refugees were taken into account through the special introduction benefit and individual introduction programmes.

9. Mr. AHMED thanked the delegation for its explanations and asked for confirmation of whether, by reducing assistance to newly-arrived immigrants, the Government intended to spur them into active job-seeking instead of relying on the generous social network.

10. Mr. BRANDSTRUP (Denmark) said that that objective was achieved not only by lowering benefits but also through various schemes allowing refugees to be employed part-time while still receiving a significant amount of benefits.

11. Mr. HAMMER (Denmark) said that the Danish Government was aware that attractive social benefits and an ageing population might bring pressure to bear on government funds. In 1997, the Government had submitted a plan - "Denmark 2005" - which, in addition to macroeconomic initiatives, reduced the number of persons receiving benefits by 200,000. As a result of sound economic policy and the economic upturn of nearby trading partners, the number of unemployed persons in Denmark had fallen from 330,000 in 1994 to 150,000 in 1999. The drop in the unemployment rate was also due to structural reforms in taxation and in the education sector, which had increased the incentive to work.

12. In answer to questions regarding high replacement rates and the incentive to work of persons receiving unemployment benefits, he said that, due to the liberal employment legislation, Danish employers incurred negligible expenses when employing workers or making them redundant and had few obligations to the workforce. Consequently, in contrast to the Organization for Economic Cooperation and Development's recommendation to reduce benefits, the Danish Government had decided instead to improve the qualifications of the unemployed and to maintain high replacement rates by focusing on the rights and duties of activation, education and availability.

In 1998, 60,000 persons had joined the active labour market policy, the bulk of whom were involved in public job training schemes and educational schemes, including educational leave and job rotation schemes. The emphasis on activation rights and duties seemed to have resulted in increased motivation, qualification and integration.

13. The job rotation scheme sought to improve qualifications of persons both in and out of work. Individuals would acquire firm-specific qualifications and, in many cases, existing employees and unemployed persons under the scheme would end up working together in the participating companies, mostly expanding firms.

14. In reply to the question regarding the retirement age, the tendency was to retire at 61 years although the official retirement age was 66 years. The transitional allowance scheme had targeted long-term unemployed persons between 50 and 59 years and the early retirement scheme persons between 60 and 66 years. Since 1995, changes had been introduced to the early retirement scheme in order to reduce the number of participants. Meanwhile, efforts had been intensified in relation to the 50 to 59 years scheme. In 1999 the official retirement age had been lowered from 66 to 65, effectively narrowing the gap between the official and actual retirement ages. In future, private pensions would decrease replacement rates and introduce more flexible rules, which would allow people to work while still receiving early retirement benefits. Additionally, tax premiums were offered to persons who chose to work rather than retire early.

15. The sabbatical leave scheme had been introduced as a pilot project due to end in 1999. Because of the combination of a bottleneck situation in the labour market, the risk of inflation and rising salaries, the scheme would be discontinued.

16. Ms. RASMUSSEN (Demmark), answering questions related to the right to strike, said that with regard to the complaint brought before it challenging the State's right to deny certain civil servants the right to strike, the Government had agreed with the International Labour Organization's conclusion that teachers could not be included. Furthermore, the Government was considering changes to the working conditions of civil servants.

17. The use of collective agreements to settle industrial disputes had been a long tradition in Denmark. Working conditions were largely covered by framework legislation with a few exceptions. The Danish Industrial Tribunal dealt with breaches of collective agreements and ruled on the interpretation of collective agreements in the event of disputes. Such cases could not be brought before ordinary courts and the decision of the Industrial Tribunal was final. Concerned parties could apply their own system of sanctions to settle disputes with rules varying from sector to sector. However, such settlements were simply a complement to the Industrial Tribunal.

18. The Danish Government was of the opinion that it gave full effect to the right to freedom of association. Dismissals were based on refusal to become a member of a trade union in cases where such membership was a prerequisite for employment. In one particular case, the Danish High Court had ruled in favour of employers on the basis of the case law of the European Court of Human

Rights. The case had been referred to the Danish Supreme Court, making it the first time that the Supreme Court would be judging the conformity of domestic law with international obligations in that regard. The Government requested that the Committee wait for the Court's ruling before final conclusions were drawn on the matter.

19. There were a number of differences between public and private sector employment, but in general public sector employment was considered to be more secure and more propitious to combining family and professional life. In addition, a new system of wages made it possible to offer individual allowances to prospective employees.

20. In the area of shipping, in an attempt to make the Danish international ship register more competitive, and in view of the difficult situation of the Danish merchant fleet, shipowners had been allowed to contract foreign labour and apply local collective agreements and wage conditions. Additionally, amendments to the tax law had resulted in lower taxation of seafarers' incomes resulting in even lower labour costs. The International Labour Organization (ILO) had recommended discussion at national level. However, the Government had suggested that the ILO should carry out an international survey comparing different international ship registers, which the Government felt would show that Danish employment conditions were in fact comparable to those of other registers.

21. Mr. WIMER ZAMBRANO reiterated his question concerning the legal and de facto limitations placed on the employment of foreigners in certain professions in Denmark.

22. Mr. LEHMANN (Denmark) said there were no general limitations on the type of employment open to foreigners, although some restrictions might be imposed on specific professions, such as medicine, for professional reasons. If necessary, he would provide a detailed list of those professions at a later date.

23. Mr. WIMER ZAMBRANO said that since some countries had a very restrictive policy in that field, while others were more liberal, he simply wished to know Denmark's general policy.

24. Mr. LEHMANN (Denmark) replied that Denmark's policy was a liberal one, but that he would prefer to answer the question after consulting the authorities in Copenhagen.

25. The CHAIRPERSON invited Committee members to turn to article 9 concerning the right to social security, covered by questions 21 to 27 of the list of issues.

26. Mrs. JIMENEZ BUTRAGUEÑO requested an answer to her earlier question concerning retirement age. She had understood it to have been raised to 67 - a later retirement age being the usual policy for coping with an ageing population - but it now appeared to have been fixed at 61. She was somewhat confused by the coexistence of the abundant pension schemes mentioned in paragraphs 90, 133 and 151 of the report and wished to know how they worked.

She also asked whether the pension paid to persons who had worked sufficient years to be entitled would be reduced if they continued to work.

27. Mr. PILLAY said he understood that Denmark had one of the most extensive and generous welfare systems among the OECD countries. His specific concern was that nowhere was it written that those social security benefits were targeted towards socially excluded groups, such as women with children, the disabled or young people, to ensure that they could enjoy their economic, social and cultural rights. Were any social security payments made to people living above the poverty line?

28. He sought clarification on the written reply to question 26 concerning the housing facilities available to the socially excluded, where it was stated that the Ministry of Social Affairs was awaiting the outcome of a new evaluation report. Had it been published and what were its conclusions?

29. Mr. AHMED, referring to the explanations provided in the reply to question 37 as to why women received more social security benefits than men, asked what the Danish authorities were doing to alleviate the problems encountered by women in Danish society. Was there any hope of improving their situation? And in what circumstances?

30. Mr. TEXIER asked how Denmark planned to solve the problem of financing retirement. In most Western countries the financing of retirement was seen as a major problem for the next 20 years, and it was feared that pensions might automatically be reduced. He wondered whether Denmark would opt for one of the two normal solutions, namely pension distribution - in which workers' contributions paid the pensions of retirees - or capitalization, or whether it envisaged a combination of the two. He had gathered from the answers to previous questions that there was no question of extending the retirement age, since people were in fact retiring earlier to make room for young people entering the employment market.

31. Mr. HAMMER (Denmark) said that the question of retirement age could best be explained by comparing the situation in 1995 and the changes made in 1999, the first effects of which would be felt in 2002. In 1995 there had been several early retirement schemes: a transitional allowance for insured persons aged 50 to 59; a retirement scheme for insured persons between 60 and 66, and the official public pension at age 66, which had started in 1995. In 2002 there would no longer be a transitional allowance, but merely the early retirement pension for insured persons between 50 and 65, which would be lowered in 2004 to between 50 and 64, at the same time as the official pension age would be lowered to 65.

32. There were also private pensions, many of which had been built up in 1993 on the private labour market, to which employees contributed between 5 per cent and 12 per cent of their earnings. In 1999 the early retirement scheme had been changed and the private and public schemes combined, so that a person receiving a private pension could no longer also receive the public pension. If necessary, he would explain the very technical rules on another occasion.

33. Mr. LEHMANN (Denmark), replying to Mr. Pillay's questions, said he regretted that he could not provide the Committee with any further information concerning the socially excluded, since the evaluation report awaited by the Ministry of Social Affairs had not yet been published. The social security network was such as to assure all persons of a standard of living that would enable them to enjoy the rights enshrined in the Covenant. However, the concept of a poverty line did not exist in Denmark. He would reply to Mr. Ahmed's question concerning women after consulting with his delegation.

34. Mrs. JIMENEZ BUTRAGUEÑO, referring to paragraph 151 of the report, which stated that in addition to the general plan, there was a compulsory plan for all workers aged 16 to 66, wondered whether that compulsion also related to the new plan that would take effect in 2004. Would the fact that there were also collectively negotiated market schemes mean that people who found themselves in transition could find that their acquired rights were not respected? Or did the authorities envisage yet another new plan for that purpose? She wondered whether the supplementary plan mentioned in paragraph 151 would continue to be respected or whether it would be abolisned.

35. Ms. RASMUSSEN (Denmark) said that those supplementary pension schemes were based on collective agreements and depended on the type of employment, rather than on the employer. Workers who changed jobs might well continue in the same scheme if they remained within the same field. If they changed from the public to the private sector, they could choose to pay into the collective labour market pension scheme. It was more complicated if they sought to combine the public pension with a purely individual bank pension scheme, which would depend on the individual agreement with the bank. However, the public scheme and the labour market supplementary pension scheme could easily be combined, so that earlier contributions were not necessarily lost.

36. The CHAIRPERSON invited Committee members to ask questions on article 10 concerning protection of the family, mothers and children, covered by questions 28 to 35 of the list of issues

37. Mr. SADI said that his main concern was with "registered partnership". In his view, the concept of family in the minds of the drafters of the Covenant was the traditional one of a man, a woman and, possibly, children. By introducing the concept of same-sex couples, Denmark was eroding the original concept and violating the basic principle of article 10. He was not suggesting that homosexuals should not live together, but rather that to confer legitimacy on them eroded the concept of the family as articulated in the Covenant.

38. On the subject of domestic violence, 21 per cent of violence against women was committed by the spouse, but had Denmark ever investigated the emotional or psychological violence that women could inflict on men?

39. He asked whether the age at which children could engage in light or less demanding work had been raised from 10 to 13 because of any negative experience and whether it would be raised again if 13 was found to be still a vulnerable age.

40. Mr. WIMER ZAMBRANO, pointing out that some countries - France, for example - had a register that included couples of different sex who lived together and had similar rights and obligations to those of married couples, wished to know what essential legal differences existed in Denmark between a married couple and an unmarried couple living together.

41. Mr. ANTANOVICH said that, while "registered partnership" was a novel legal formula, he was aware that society was under pressure to deal with the phenomenon of same-sex couples, so that he would not make a value judgement. He called for clarification as to whether registered partners could adopt children, but in conditions other than those of married couples, and what legal responsibilities were imposed on them. While a couple was the traditional unit, it appeared that no limitation was placed on the number of people of the same sex that could establish a household. Was it limitless? And, if so, did such a household have the right to adopt? And what were its responsibilities? Secondly, given the proliferation of unmarried couples living together throughout Europe, many with children, why was no legal provision made for them as had been established for registered partnerships? Did their children enjoy the same rights as the children of married couples?

42. Taking up Mr. Sadi's question on child labour, he thought that the fact that, according to paragraph 33 of the written replies, children over 15 worked in the same conditions as adults imposed a de facto obligation on them to work as many as eight hours. He wished to know whether those hours, or even years, were later taken into account for their social security benefits and were reflected in their pay and treatment in their subsequent adult professional life.

43. Mr. AHMED recalled that, in its concluding observations as long ago as January 1995, the Committee on the Rights of the Child had expressed its concern at the high percentage of single-parent families in Denmark, highlighting the need for special services to be provided to protect the children of such families from sexual and labour exploitation. Had the authorities observed any improvement during those four years? He wished to know whether such children received the same treatment as others and called for up-to-date statistics showing the extent to which they were exploited or protected by society. Without such statistics, the situation could appear to be worse than it was.

44. Mr. GRISSA asked how children were protected when their parents separated, and whether the situation was different for children of married and unmarried parents. Did the law oblige one parent or the other to look after the children? What happened if both parents abandoned the children? He had been impressed by the data on the employment of children and young people (para. 185 of the report). He noted that many 10 to 12 year olds had steady spare-time jobs, and wondered whether it was really possible in Denmark that children of 12 could serve customers in bars or restaurants.

45. Mrs. JIMENEZ BUTRAGUEÑO asked what the role of grandparents was in Denmark. Grandparents had the leisure time to help their children, and she had heard that there were associations defending the rights of grandparents; had any grandparents put in claims for the right to see their grandchildren? With an aging population, the rights of great grandparents also needed to be

taken into account. It would be sad, particularly in an era of family breakdown, if grandparents were alone and deprived of making a contribution by helping out with their grandchildren, whilst the grandchildren were deprived of the necessary care and attention. It was not necessary for them to live under one roof, but they should have regular contact. Had there been any improvement in extending those relationships in Denmark?

46. Mr. HUNT joined his colleagues in expressing interest in the legal concept of registered partnership to make official the relationship between two people of the same sex. It could be argued that article 2.2 of the Convention prohibited grounds for discrimination on the basis of sexual orientation, as implied under the phrase "other status". The Danish law must be welcomed in the light of such an interpretation of the Covenant. How had the law worked over the 10 years it had been in force? Was the issue of same-sex marriages now uncontroversial? Had there been any serious attempts to repeal the law? Had there, on the contrary, been any serious proposals to remove the remaining limitations on same-sex couples?

47. Mr. LEHMANN (Denmark) said, in the light of the interest in the subject and the detailed questions, that the delegation would like the opportunity for consultations to confirm that their replies did indeed reflect the current situation in Denmark.

48. Ms. TOFTEGAARD NIELSEN (Denmark) agreed with Mr. Sadi that when the Covenant was written, the family concept probably did not cover two people of the same sex living together. However, times changed, and the law expressed the belief in a broader family concept in Denmark. She stressed that, as paragraph 28 of the written replies stated, there were certain differences in law, for instance same-sex couples could not adopt children. The law was generally not considered controversial, although certain religious and other groups did not approve of it, so that occasionally debate did arise. The issue of adoption had in fact recently been discussed.

49. Mr. ANTANOVICH, in the light of the comment that registered partnerships formed part of a more adequate contemporary abstraction of the family concept, queried whether the law specifically defined a registered partnership as a "family unit". Did it provide only for two people in a relationship, or for larger menages and communities in non-traditional sexual relationships?

50. Ms. TOFTEGAARD NIELSEN (Denmark) clarified that the law referred only to couples, like a traditional marriage. The concept of a registered partnership as a "family unit" was not set down in law; she had referred to it by way of explanation. There were also differences in law between married couples and couples living together, although many of their rights were comparable. She had not committed to memory all the exceptions, but there were differences, for example, in taxation and social legislation.

51. Mr. SADI supposed that registered partners could divorce, and wondered whether the grounds and procedure were similar to those for the divorce of married couples. Did they go to court to obtain a divorce?

52. Ms. TOFTEGAARD NIELSEN (Denmark) confirmed that divorce for registered partners was instituted on the same grounds and followed the same procedure as

for heterosexual couples. However, in Denmark if a couple wanting to divorce could agree amicably on the division of property and custody of children, it was possible to divorce without recourse to the courts. The couple registered their separation with the local authorities, and after six months they could make their divorce official. In reply to a query from the Chairperson, she confirmed that the dissolution of a registered partnership was also referred to as "divorce" in law.

53. Mr. GRISSA asked for clarification regarding the reply on custody of children; since same-sex couples could not adopt children, and evidently could not produce children of their own, how was the issue of custody of children related to divorce between registered partners?

54. Mr. ANTANOVICH pointed out that the written replies did not specify that adoption was forbidden to same-sex couples, merely that there were differences regarding adoption. He asked whether the law had had an effect on the stability of relationships within the homosexual community, and wondered whether there were statistics on the extent of the phenomenon of registered couples as a proportion of the homosexual community as a whole.

55. The CHAIRPERSON, in order to avoid any confusion, asked the delegation to clarify whether the issue of child custody was actually pertinent to the divorce of registered partners.

56. Ms. TOFTEGAARD NIELSEN (Denmark) said that there certainly were children involved; two women partners could for instance have children by other means. The issue was complex, and the delegation would try to answer in more detail at a later stage.

57. Mr. LEHMANN (Denmark), returning to the issue of whether the concept of registered partnership undermined the family as the fundamental group unit of society (article 10), assured the Committee that in Denmark it was not seen in that light, although from the outside it might appear progressive or even radical.

58. Ms. TOFTEGAARD NIELSEN (Denmark), replying to Mr. Antanovich, said that children born out of wedlock were protected in the same way as those born inside a marriage; however, when the parents were not married it was a requirement that the father sign as such with the authorities. Children in single-parent families were in some ways better protected than children with both parents, since single-mothers on low income were entitled to extra social benefits.

59. Mr. LEHMANN (Denmark) said the delegation would attempt to obtain up-to-date statistics on single-parent families, and further details on the question of nationality. The delegation would also prefer to consult with Denmark before giving specific answers on questions regarding children's working hours and child labour. He suggested that as many questions as possible should be posed, so the delegation could prepare answers overnight.

60. Ms. TOFTEGAARD NIELSEN (Denmark), addressing the issue of who cared for children in cases of divorce or separation, explained that if the parents had not amicably decided who should care for the children, the authorities made

the decision on custody. Cases of abandonment of children by both parents were extremely rare; usually the problem was that both parents wanted custody of the children.

61. Mr. AHMED said it was vital for the Committee to have statistics on the extent of the phenomena of single-parent families and homosexual couples, in order to determine whether they were exceptional cases or generalized throughout society.

62. Mr. SADI asked, if it turned out that homosexuals could in fact adopt children, whether any studies had been made on the effects of a homosexual environment on children? Although not a sociologist himself, he felt sure that children in such relationships would be negatively influenced, and asked the delegation to investigate whether data existed.

63. Mr. RIEDEL said the Committee looked forward to receiving information to help the members make up their minds on that controversial issue, on which the opinion of the Committee was clearly not unanimous. It was not just a sociological issue but an issue of ethics, a medical issue and a relational issue (whether male-male, female-female or male-female).

64. The CHAIRPERSON stressed that the Committee was concerned about the economic, social and cultural rights of members of the family as a unit and as individuals, under article 10. She asked for questions on article 11.

65. Mr. HUNT, in the light of the resolution passed the previous week by the Commission on Human Rights, inviting the Committee to give due attention to human rights and extreme poverty, drew the attention of the delegation to the poverty data for Denmark. He pointed out the frequent occurrence in the report by Denmark of the problem of lack of data. It had been cited several times in the section on malnutrition (paras. 210-214). There were also no statistics on homeless individuals or families, or persons living in "illegal" settlements or housing in Denmark (paras. 245-246), or on people with very poor health (para. 304). The written replies had also been candid in admitting the Government was "not aware of available figures" (reply to question 38). In the light of the fact that the Government's report cited the need for "a more comprehensive survey of the extent of the problems" (para. 212), did the Government propose to meet that need which it had itself identified?

66. Mr. TEXIER had been interested to note that although there was a positive reply to question 39 on the costs of dwellings and rents, there was a negative reply on the issue of the right to housing. According to the reply to question 41, the Ministry of Housing and Urban Affairs had no plans to introduce laws laying down the right to housing. Yet that right was included in many constitutions and laws; was there any reason why such a law was not being considered in Denmark?

67. Mr. RIEDEL welcomed the fact that sections 26, 39 and 41 of the Habitat Agenda had been discussed in Denmark. He asked whether any studies on those issues and on the homeless, the very poor and the socially excluded, were envisaged. The 13,000 homeless people housed in shelters had provision for food, but what about the estimated 5,000 totally homeless people (para. 245)?

What was covered by the right to food? Who was responsible for those people - the Government or NGOs? Was there a duty on the State? Did the right to minimum support include food? Beggars in cities often used money to buy alcohol or drugs; was there a system for distributing food vouchers to them instead of money? Did the local authorities feel responsible for such people?

68. With regard to housing indicators (para. 244 of the report and written reply to question 39), there appeared to be steady improvement in all spheres. However, he wondered how the benchmarks had been set; were they actually too high or too low? He understood that the delegation might feel that Denmark fulfilled its obligations under article 11, but asked for comments on the setting of benchmarks.

69. Mr. GRISSA said that Denmark had one of the highest rates of food production in relation to the needs of its population. The country report referred to the growth in productivity and expressed concern about the 1994 GATT Agreement prohibiting the subsidization of food exports. The references made to hunger in the report were therefore anomalous in a country where food production was so high. What were the reasons for the instances of hunger? Were they the result of a lack of policy or incentives and what was the proportion of hungry people as a percentage of the total population?

70. Mr. SADI congratulated the Danish delegation on its national nutrition policy. It was, however, necessary to ascertain how awareness of an appropriate diet was increased. Furthermore, had the Danish authorities succeeded in reducing the rate of cancer? Did the national nutrition policy include a campaign to combat and/or reduce cancer? In the context of the current trade war between the United States and Europe, did Denmark have a policy on the import of beef from the United States? It was surprising to note that hormones had not been discovered to be a cancer-inducing element at an earlier date.

71. Mr. CEAUSU said that at the time Denmark's report was prepared the results of the 1995 survey of dietary habits had not been published. If they had been published in the meantime, what were the main conclusions of the study?

72. Mrs. JIMENEZ BUTRAGUEÑO asked what assistance was provided for elderly people to leave their homes. Was sufficient housing provided for such people and how did those without families cope? Information was also requested as to whether public buildings and transport were suitably equipped for old people with disabilities.

73. Mr. LEHMANN (Denmark), replying to the questions raised, said that it was not possible to provide an immediate survey of homeless and hungry people in his country. It was true that nobody was obliged to be without shelter or food. The social security net was such that it would always offer adequate provision. The system did not, however, manage to reach a group of people who appeared not to accept the assistance offered. They, of course, had the right to be self-sufficient and, in fact, it was difficult to determine the reasons why they did not receive appropriate services. As regards the right to housing, he echoed the Committee's surprise that no government plan was pending to introduce the formal right to housing through legislation. Denmark

was a very pragmatic nation, but that did not mean, despite the absence of a formal stipulation of fundamental rights and freedoms, that the Government did not try to fulfil basic principles in practice. There was no specific reason for failing to introduce the right to housing in legislation.

74. Regarding the relationship between nutrition and cancer, the constant research carried out into non-desirable foodstuffs was being closely followed by Denmark at national and international level. Health matters relating to food were monitored by the Ministry of Agriculture and a special board, both of which offered advice on nutrition-related problems and the new elements introduced in food. Furthermore, the Government had instituted a health programme for 1999 and the following decade. It was, nevertheless, difficult to explain whether cancer was influenced by one or more components of different foodstuffs.

75. Finally, the family unit in Denmark did not appear to have the same coherence as in many other countries. That could well be the result of the social security system, which took care of elderly and disabled people at the local level rather than within family groups.

76. Mr. RIEDEL asked why the number of hospital doctors and general practitioners had decreased whereas the number of practising specialists had increased. Were such specialists assuming the role played by general practitioners or were they in fact replacing them? If so, what was the reason for that? Secondly, the Danish replies to the list of issues raised by the Committee referred in detail to the Psychiatric Act of 1989 on Deprivation of Liberty and other Restraints in Psychiatry, as amended in January 1999. Three guiding principles were singled out, i.e. high quality hospital care, proportionality and treatment plans to be provided by medical teams. Were those principles applied to the complaints system in order to protect the mentally ill and to improve psychiatric help in general? A three-tier system appeared to exist, incorporating boards of complaint and a general patients' complaints board in the health sector. Was the latter an appeal body or merely a different type of complaints body? In addition, it was stated that hospitals had to submit orders to detain a person, i.e. a court order had to be obtained within a period of five days. Were such decisions reviewed by the complaints board and was the complaints procedure itself the subject of further consideration? That was particularly important as regards the resort to "protective fixation". It was also necessary to ascertain the period of time that elapsed before court proceedings were instituted to settle particular cases. In relation to article 5.4 of the European Convention on Human Rights, it should be made clear whether the Board system adopted in Scandinavian and other common law countries provided the same service as the court system used in civil law countries. How did the system operate in practice, particularly in the light of the short period that had elapsed since the new Act had come into force?

77. Finally, had the number of cases of HIV and AIDS been reduced? In that regard, had there been court cases relating to work contracts and insurance policy refusals for patients suffering from HIV or AIDS? Was Denmark intending to appoint an ombudsman to deal with such matters?

78. Mr. HUNT asked whether an act or charter of patients' rights existed and whether it was accompanied by a complaints procedure. If no such act or charter existed, did the Government have any proposals in that regard? Over the previous 10 years, a system of community care had been introduced for the mentally ill. A number of States had followed suit with mixed results. Unfortunately, the policy had not always been supported by the transfer of appropriate resources to local communities and families and, in certain cases, the mentally ill ended up homeless and destitute. What had Denmark's experience been in implementing such a policy?

79. Mr. WIMER ZAMBRANO said that the Danish report contained no information on the issue of drugs. Given that drugs represented a huge problem in many countries, information should be provided on the level of production and transportation of and addiction to drugs. In specific terms, what was the Government's policy in that respect?

80. Mr. TEXIER noted that the number of general hospitals had fallen from 97 to 82 between 1987 and 1996. A similar fall had occurred in the number of psychiatric hospitals. In addition, the number of beds per inhabitant had fallen, thereby leading to less widespread coverage for patients. Had the Government implemented any policies to rectify the situation? Was private medicine thought to compensate adequately for the reduction in the number of public hospitals? Or, by contrast, was priority given to public hospitals? It should be made clear whether the Government believed that public medicine constituted a successful approach, since it was supposed to offer significant resources and access to all.

81. Secondly, the reform of the Psychiatric Act provided numerous guarantees to patients, especially in relation to the amendment of rules on discharge agreements. However, in situations where patients refused to make such agreements, wards were entitled to draw up so-called coordination plans, even if that meant passing on sensitive information to other relevant authorities. Did the release of such information not entail a risk for individual freedom?

82. Mr. KUZNETSOV said that State spending on health care usually served as an objective indicator of a government's efforts in providing citizens with the necessary services. In Denmark, public spending on health in relation to overall public spending had stood at 9 per cent in 1997. However, that clear statement appeared to contrast with the idea that such an indicator could not be used for direct comparison with other countries. The Danish concept of health, although not directly defined, was said to be narrow in comparison to neighbouring countries. It was necessary to define that concept in order to establish whether the Government was fulfilling its obligations. Information should also be provided on health spending during the previous five years, together with other objective criteria.

83. Mr. AHMED said that in 1995 the Committee on the Rights of the Child had expressed its astonishment at the relatively high number of suicides among young people in Denmark. It had also expressed the need to discover the reasons for that phenomenon. In the ensuing period had the number of suicides increased or decreased? What was the number of suicides in percentage terms in comparison to other Scandinavian countries? Was the phenomenon caused by

such factors as the climate, excessive prosperity or too much leisure time? The situation required careful study if the phenomenon of suicides among young people was to be combated.

84. Mr. GRISSA said that pollution was a serious problem in the area in which Denmark was situated. The country report referred to the considerable measures undertaken to combat pollution and protect the environment. However, nothing was said regarding the actual deterioration of environmental conditions, from the point of view of either agriculture or water resources. The Baltic Sea was a source of considerable pollution from neighbouring countries and the North Sea suffered as the result of oil pollution. Given that protective measures were undertaken, what was the actual situation in relation to the environment and did its deterioration have any significant consequences for public health?

85. Mrs. JIMENEZ BUTRAGUEÑO, referring to the Danish report, said that care for the elderly was not counted as part of general health care, contrary to the situation in most other European countries. Did that mean that elderly people requiring geriatric care did not receive specialized treatment? If that were the case, what medical services were actually provided by specialists?

86. Mr. LEHMANN (Denmark) said that the reference to care for the elderly related only to statistics, i.e. such people were not included in the figure given for overall public spending on health. There was, by contrast, a very extensive programme on specialist care for the elderly. As regards the drop in the number of public hospitals and beds per patient, that demonstrated a general trend towards the closure of small hospitals in order to bring together the best possible medical care in major centres such as university hospitals. Following the necessary consultations, further information would be provided on the other questions raised.

The meeting rose at 6 p.m.